

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2502 of 2024

In
Civil Writ Jurisdiction Case No.8985 of 2023

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Sohan Kumar S/o Nagina Paswan, Resident of village- Sheikhpura, Police Station - Gaurichak, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. Sri Tanai Sultania Deputy Development Commissioner, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Rabindra Kumar, Adv.
For the Opposite Party/s :	Mr. R. P. Gupta, Government Pleader 10
	Mr. Deepanjali Gupta, AC to GP 10

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

5 22-11-2024 This Court vide order dated vide order dated 30.11.2023 passed in CWJC No. 8985 of 2023 has passed the following order:-

“5. Having regard to the above made submission, without going into the merits or demerits of the case, the present writ petition is disposed off directing the Respondent No. 3 to dispose off the representation made by the petitioner on its own merits strictly in accordance with law as expeditiously as possibly preferably within a period of eight weeks from the date of the receipt of the copy of this order. In case, the authority comes to the conclusion that the claim made by the petitioner is genuine, the amounts due to the petition shall be paid. In case the authority comes to the conclusion that the claim is to be rejected then they shall pass a reasoned order and communicate the same to the



petitioner.

6. With the above direction, the present writ petition stands disposed off to the extent indicated above.”

2. Show cause has been filed by the opposite parties stating that the representation of the petitioner has been considered and necessary orders passed on 13.08.2024 vide memo no. 2830.

3. Learned counsel appearing on behalf of the petitioner has stated that the authority without advertng to the facts of the case has passed the order rejecting the claim of the petitioner in a mechanical manner. Learned counsel has further stated that the petitioner is only supplier of the material and not the contractor but the authority has proceeded with the matter as if the petitioner is a contractor. That the order suffers from the illegality and is an arbitrary exercise of power not vested with the power.

4. Irrespective of the fact as to whether the claim of the petitioner is accepted or rejected, the fact remains that the order passed by this Court has being substantially complied with. In case the petitioner is having any grievance he is free to challenge the order passed by the authority. This Court sitting under Article 215 of the Constitution of India and Section 12 of



the Contempt of Courts Act cannot go into the correctness or otherwise of the orders passed by the authority, it only has to see as to whether the orders passed by this Court has being substantially complied with or not.

5. Having regard to the same, the present MJC is closed.

6. However liberty is granted to the petitioner to challenge the order passed by the authority concerned, if he is so advised.

(A. Abhishek Reddy , J)

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